

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

-against-

KEITH BERMAN and  
DECISION DIAGNOSTICS CORP.,

Defendants.

20 Civ. 10658 (LAP)

**MOTION TO SUBSTITUTE COUNSEL AND WITHDRAW  
APPEARANCE OF DAVID MISLER AS COUNSEL FOR PLAINTIFF**

Pursuant to Local Civil Rule 1.4, the United States Securities and Exchange Commission (the “Commission”) moves the Court for leave to substitute James M. Carlson as lead counsel for the Commission and permit David Misler to withdraw as counsel of record in the above-captioned action.

1. Mr. Misler has accepted other employment and departed the Commission on October 8, 2021. As such, he is no longer permitted to represent the Commission.

2. The case is currently stayed pending the resolution of *United States v. Berman*, 20-cr-278 in the United State District Court for the District of Columbia, and there are no pending deadlines.

3. The Commission will continue to be represented in this matter by James M. Carlson, who seeks to be substituted in Mr. Misler’s place, as lead counsel in this case.

4. Mr. Carlson’s Pro Hac Vice Motion has been filed separately, and is currently pending before this Court.

5. The Defendants will not be prejudiced by the granting of this motion.

Respectfully submitted,

Dated: October 15, 2021

/s James Carlson  
James M. Carlson  
Attorneys for Plaintiff  
SECURITIES AND EXCHANGE  
COMMISSION  
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**CERTIFICATE OF SERVICE**

I certify that on October 15, 2021, I caused a copy of the foregoing Motion to be served by ECF on all parties who have made an ECF appearance.

/s James Carlson

James Carlson